

**Testimony before the House Commerce Committee in support of HB 4163
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Mr. Chairman, Members of the Committee, good morning. I am Kenneth Warner, Dean of the University of Michigan School of Public Health, where I have been on the faculty since 1972. I am addressing you today, however, not as a representative of the University, but rather as a public health professional with relevant expertise. I have devoted much of the past 30 years to research on tobacco and health policy, drawing on my training as a health economist. I have also had the privilege of serving in numerous official roles related to tobacco control within our state, our nation, and the world as a whole. I am testifying in strong support of HB 4163.

You have heard about the chemical composition of cigarette smoke and the dangers of second-hand smoke exposure from Dr. Ronald Davis, one of the world's leading experts on smoking and health. Please think about the fact that every time you dine in a restaurant that permits smoking – anywhere within the restaurant, because environmental smoke does not respect the posted boundaries of the "no smoking" section – you inhale polonium 210, the radioactive element used recently to poison the former Russian spy. You breathe in formaldehyde. Carbon monoxide is drawn into your lungs. Every time you patronize a bar that permits smoking, you yourself become a *de facto* smoker. The risk to your health is real. And the risk of people who work in such establishments 8 hours a day is even more so.

As you debate the wisdom of adopting a smoke-free workplace law, let me ask you what you deem to be acceptable standards of exposure to environmental hazards in enclosed spaces. How much arsenic should I be forced to inhale when I dine out? What is your standard for the allowable level of hydrogen cyanide in the air of bars? Right now, you are permitting – no, *requiring* – all of us who go to restaurants and bars in Michigan to inhale those and hundreds of other hazardous chemicals.

During the course of this debate you will hear compelling-sounding arguments against a smoke-free law. Restaurateurs and owners of bars will argue for "accommodation" of both smokers and nonsmokers. "Accommodation" is a tobacco industry-promoted buzzword to make forcible exposure to benzene somehow acceptable. Indeed, in many states, restaurant and bar associations are supported by the tobacco industry, which often supplies them with their testimony against clean indoor air laws. I want to emphasize that I do not know that to be the case in our state and am not intending to suggest it is.

Restaurateurs and bar owners will also plea that their business will be hurt if they are required to go smoke-free. What they should know – and you *need* to know – is that nothing could be further from the truth. In multiple studies of real-world experiences, restaurant sales have been unchanged or actually increased following implementation of a smoke-free law. The one scientifically sound study of bar revenues shows the same thing. So restaurateurs and bar owners need not worry: A smoke-free law will not hurt them financially. Indeed, it may well *improve* their bottom lines by lowering their cleaning and other costs (for example, sensitive machinery can be damaged by the build up over time of residues – gunk – from cigarette smoke). The only "evidence" that challenges this conclusion – and I put the word "evidence" in quotes – comes from surveys of the *expectations* of nervous restaurateurs and bar owners – many of the surveys conducted with tobacco industry support.

The other argument you will hear against a smoke-free workplace law comes from so-called smokers' rights groups. These groups – many developed and supported by the tobacco industry – always represent a tiny minority of smokers. 70% of smokers report that they wish they could quit smoking but find themselves unable. As for smokers truly concerned about their rights, the response to them is simple: Your right to smoke stops at the tip of my nose. You do not have the right to impose the risk of cancer or a heart attack on unwilling victims of your cigarette smoke. You certainly *do* have the right to smoke in the privacy of your own home. I would urge you not to do so, however, if you have children or a non-smoking spouse in the home.

Led by Ireland in 2004, a dozen countries have banned smoking in all workplaces, including all restaurants and bars. 24 states in our country, including the nation's capital, have done the exactly the same. Half of them have done so in the past year, including Ohio and Illinois, whose new law will take effect this coming January! Eventually, Michigan *will* go smoke-free, as will all states. It is not a matter of *if* but only *when*. We will be compelled to do so by the overwhelming scientific evidence on the dangers of environmental smoke, by the increasing demand of Michiganians – smokers and nonsmokers alike – for smoke-free environments, and by the basic obligation of the state – *your* obligation as our state lawmakers – to protect the health and welfare of the public. You can require smoke-free indoor air now by supporting HB 4163, as you should. Or you can wait – one year, two years, maybe as many as five. By waiting, you will condemn hundreds and possibly thousands of our fellow citizens to completely avoidable premature deaths, deaths that you have it within your power to prevent.

Thank you.

Biographical Sketch: Kenneth E. Warner

Kenneth E. Warner is Dean, School of Public Health, and Avedis Donabedian Distinguished University Professor of Public Health at the University of Michigan, where he has been on the faculty since 1972. He is also Director of the University's Tobacco Research Network. An economist, Dr. Warner earned his A.B. degree *summa cum laude* from Dartmouth College and M.Phil. and Ph.D. degrees from Yale University.

Presented in over 200 professional publications, Dr. Warner's research has focused on economic and policy aspects of disease prevention and health promotion, with a special emphasis on tobacco and health. In 2001-02, Dr. Warner served as the World Bank's representative to negotiations on the global treaty on tobacco control, the Framework Convention on Tobacco Control. He also served as the Senior Scientific Editor of the 25th anniversary Surgeon General's report on smoking and health, published in 1989. In 1979-80 he was Project Director for Michigan Governor William Milliken's Citizens' Panel on Smoking and Health. He is on the editorial boards of four professional journals and chairs the board of the international journal *Tobacco Control*. During 2004-05 he was President of the Society for Research on Nicotine and Tobacco. He consults with numerous governmental bodies, voluntary organizations, and businesses, and was a founding member of the Board of Directors of the American Legacy Foundation. Dr. Warner has testified before committees of the U.S. Senate and the House of Representatives and the Michigan Senate and House.

Dr. Warner has been cited twice by Delta Omega, the national public health honorary society, for "Outstanding Achievement in Public Health." He was awarded the Surgeon General's Medallion by Dr. C. Everett Koop in 1989. In 1990, he received the Leadership Award of the Alcohol, Tobacco, and Other Drugs Section of the American Public Health Association. In 1996, he was elected to membership in the Institute of Medicine of the National Academy of Sciences and was named to the first class of Fellows of the Association for Health Services Research. In 1997, he received the Excellence in Research Award from the University of Michigan School of Public Health. In 2002 he received the Richard and Barbara Hansen Leadership Award from the University of Iowa College of Public Health. In 2003, at the World Conference on Tobacco or Health in Helsinki, Finland, he was named one of the two recipients of the inaugural Outstanding Research Contribution award in the international Luther L. Terry Awards for Exemplary Leadership in Tobacco Control.

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